

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PSN ILLINOIS, LLC,	)	
AN ILLINOIS CORPORATION,	)	CASE No. 09-5879
	)	
PLAINTIFF,	)	
	)	COMPLAINT FOR
	)	PATENT INFRINGEMENT
vs.	)	
	)	
GENSCRIPT CORPORATION,	)	
LIFE TECHNOLOGIES CORPORATION,	)	
DHARMACON, INC., OPEN BIOSYSTEMS,	)	
INC., AND ABBOTT BIORESEARCH	)	
CENTER, INC.,	)	
DEFENDANTS.	)	

**PSN’S ILLINOIS, LLC’S REPLY TO  
DEFENDANT ABBOTT BIORESEARCH CENTER, INC.’S COUNTERCLAIM**

Plaintiff/Counter-defendant PSN Illinois, LLC, (“PSN”) by their undersigned attorneys hereby answers the Counterclaims presented by Defendant/Counter-plaintiff Abbott Bioresearch Center, Inc. (“ABC”) as follows (in which Abbott’s Counterclaim, paragraph-by-paragraph, is reproduced below, and in each case followed by PSN’s reply):

**PARTIES AND JURISDICTION**

1. ABC is organized and existing under the laws of the State of Delaware and has a place of business at 100 Research Drive, Worcester, Massachusetts 01605.

**RESPONSE:** PSN admits the allegations of paragraph 1.

2. On information and belief, PSN Illinois LLC (“PSN”) is an Illinois corporation with a place of business at 280 W. Adams Street, Chicago, Illinois 60604.

**RESPONSE:** PSN admits to being a limited liability company organized under the laws of the state of Illinois and having a business address at 280 W. Adams, Chicago, Illinois 60604.

3. This Court has jurisdiction over this Counterclaim pursuant to 28 U.S.C. §§ 1331, 1338, and 2201.

**RESPONSE:** PSN admits this Court has jurisdiction of this Counterclaim pursuant to 28 U.S.C. §1331, 1338 and 2201.

### **FACTS**

4. PSN has sued ABC, claiming that PSN is the owner of the '476, '443 and '414 Patents and accusing ABC of infringing those patents.

**RESPONSE:** PSN admits the allegations of paragraph 4.

5. The accusations by PSN give rise to a case or actual controversy within the jurisdiction of this Court, pursuant to 28 U.S.C. §§ 2201 and 2202.

**RESPONSE:** PSN admits the allegations of paragraph 5.

### **COUNT I – NONINFRINGEMENT OF THE '476 PATENT**

6. ABC repeats and realleges the allegations as forth in paragraphs 1 through 5 of the Counterclaim, above, as if fully set forth herein.

**RESPONSE:** PSN realleges its responses to paragraphs 1 through 5 above.

7. ABC has not infringed, and is not infringing, any valid claim of the '476 patent.

**RESPONSE:** PSN denies the allegations of paragraph 7.

8. ABC is entitled to a declaratory judgment that it has not infringed, and is not infringing, the '476 patent.

**RESPONSE:** PSN denies the allegations of paragraph 8.

COUNT II – INVALIDITY OF THE '476 PATENT

9. ABC repeats and realleges the allegations set forth in paragraphs 1 through 8 of the Counterclaim above, as if fully set forth herein.

**RESPONSE:** PSN realleges its responses to paragraphs 1 through 8 above.

10. The '476 patent is invalid for failure to comply with the conditions for patentability specified by 35 U.S.C. § 101 *et seq.*

**RESPONSE:** PSN denies the allegations of paragraph 10.

11. ABC is entitled to a declaratory judgment that the '476 patent is invalid.

**RESPONSE:** PSN denies the allegations of paragraph 11.

COUNT III - NONINFRINGEMENT OF THE '443 PATENT

12. ABC repeats and realleges the allegations set forth in paragraphs 1 through 11 of the Counterclaim above, as if fully set forth herein.

**RESPONSE:** PSN realleges its responses to paragraphs 1 through 11.

13. ABC has not infringed, and is not infringing, any valid claim of the '443 patent.

**RESPONSE:** PSN denies the allegations of paragraph 13.

14. ABC is entitled to a declaratory judgment that it has not infringed, and is not infringing the '443 patent.

**RESPONSE:** PSN denies the allegations of paragraph 14.

COUNT IV - INVALIDITY OF THE '443 PATENT

15. ABC repeats and realleges the allegations set forth in paragraphs 1 through 14 of the Counterclaim above, as if fully set forth herein.

**RESPONSE:** PSN realleges its responses to paragraphs 1 through 14 above.

16. The '443 patent is invalid for failure to comply with the conditions for patentability specified by 35 U.S.C. § 101 *et seq.*

**RESPONSE:** PSN denies the allegations of paragraph 16.

17. ABC is entitled to a declaratory judgment that the '443 patent is invalid.

**RESPONSE:** PSN denies the allegations of paragraph 17.

#### COUNT V - NONINFRINGEMENT OF THE '414 PATENT

18. ABC repeats and realleges the allegations set forth in paragraphs 1 through 17 of the Counterclaim, above, as if fully set forth herein.

**RESPONSE:** PSN realleges its responses to paragraphs 1 through 17 above.

19. ABC has not infringed, and is not infringing, any valid claim of the '414 patent.

**RESPONSE:** PSN denies the allegations of paragraph 19.

20. ABC is entitled to a declaratory judgment that it has not infringed, and is not infringing, the '414 patent.

**RESPONSE:** PSN denies the allegations of paragraph 20.

#### COUNT VI - INVALIDITY OF THE 414 PATENT

21. ABC repeats and realleges the allegations set forth in paragraphs 1 through 20 of the Counterclaim, above, as if fully set forth herein.

**RESPONSE:** PSN realleges its responses to paragraphs 1 through 20 above.

22. The '414 patent is invalid for failure to comply with the conditions for

patentability specified by 35 U.S.C. § 101 *et seq.*

**RESPONSE:** PSN denies the allegations of paragraph 22.

23. ABC is entitled to a declaratory judgment that the '414 patent is invalid.

**RESPONSE:** PSN denies the allegations of paragraph 20.

WHEREFORE, Plaintiff/Counter-defendant PSN ILLINOIS, LLC prays this Court enter judgment in its favor and against Abbott Bioresearch Center, Inc. and deny each subsection A-I of Prayer for Relief requested by in its counterclaim.

### **JURY DEMAND**

PSN requests a jury as to all issues raised not only by its Complaint, but also by Abbott Bioresearch Center, Inc's counterclaims and/or PSN's reply thereto.

Respectfully submitted,  
FOR PSN ILLINOIS, LLC

Dated: January 19, 2010

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **PSN Illinois, LLC's Reply to Abbott Bioresearch Center, Inc.'s Counterclaim** was duly served on counsel of record for all parties listed below in accordance with the provisions of Rule 5(b) of the Federal Rules of Civil Procedure, by electronic filing via ECF pursuant to the General Order on Electronic Filing of the United States District Court, Northern District of Illinois.

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Dated: January 19, 2010

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